

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NEWMARK GROUP, INC., G&E
ACQUISITION COMPANY, LLC, and BGC
REAL ESTATE OF NEVADA, LLC.

Case No. 2:15-cv-00531-RFB-EJY

Plaintiffs,

V.

ORDER

AVISON YOUNG (CANADA) INC.;
AVISON YOUNG (USA) INC.; AVISON
YOUNG-NEVADA, LLC, MARK ROSE,
THE NEVADA COMMERCIAL GROUP,
JOHN PINJUV, and JOSEPH KUPIEC; DOES
1 through 5; and ROE BUSINESS ENTITIES
6 through 10,

Defendants.

Before the Court is Plaintiffs' Motion for Leave to Seal Exhibits to, and Redact Sections of, Plaintiffs' Motion for Sanctions Under Federal Rule of Civil Procedure 30(d)(2) and 37(d). ECF No. 511. No response to this Motion was filed.

As the party seeking to seal a judicial record, Plaintiffs must meet their burden of overcoming the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that “compelling reasons” support secrecy). However, where a party seeks to seal documents attached to a non-dispositive motion, the “public policies that support the right of access to dispositive motions … do not apply with equal force” *Kamakana*, 417 F.3d at 1179 (citation omitted). In the instant Motion, Plaintiffs seek to seal exhibits to and redact portions of a non-dispositive motion that will be filed and available to the public.

The Court considered Plaintiffs' Motion and the portion of their Motion for Sanctions. The Court finds the request to seal and redact by Plaintiffs pertain to contain confidential and proprietary information the disclosure of which may lead to misuse and harm to the parties.

Accordingly, IT IS HEREBY ORDERED that Plaintiffs' Motion for Leave to Seal Exhibits to, and Redact Sections of, Plaintiffs' Motion for Sanctions Under Federal Rule of Civil Procedure 30(d)(2) and 37(d), ECF No. 511, is GRANTED.

IT IS FURTHER ORDERED that Exhibits 8, 9, 10, 11, and 12 to Plaintiffs' Motion for Sanctions shall be and remain sealed.

IT IS FURTHER ORDERED that Exhibits 2, 5, and 6 to Plaintiffs' Motion for Sanctions are temporarily sealed. Plaintiff **shall**, no later than October 29, 2021, file a notice with the Court advising whether the parties agree that these Exhibits should remain sealed.

IT IS FURTHER ORDERED that references to Exhibits 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, appearing in Plaintiffs' publicly filed Motion for Sanctions, shall remain redacted.

DATED this 21st day of October, 2021.

Elayna J. Youchah
ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE